

FAM 8300 NEPOTISM

3 FAM 8310 GENERAL PROVISIONS

(TL:PER-425; 10-18-2001)

3 FAM 8311 PURPOSE

(TL:PER-425; 10-18-2001)

(State Only)

(Applies to staff assigned/employed abroad)

a. It is the policy of the Department of State to:

(1) Ensure compliance with U.S. law to avoid nepotism and the appearance of nepotism in all employment matters;

(2) Promote a family friendly workplace employing family members abroad to the extent consistent with the law and good management; and

(3) Affirm the role of the Chief of Mission in ensuring compliance with these regulations.

b. This policy shall apply equally to all employees and their household members regardless of position or type of employment method (e.g., Foreign Service National (FSN), personal services agreement (PSA), personal services contract (PSC), part-time or intermittent temporary appointment (PIT), family member appointment (FMA)).

3 FAM 8312 GENERAL

(TL:PER-425; 10-18-2001)

(State Only)

(Applies to staff assigned/employed abroad)

a. An employee may not appoint, employ, promote, advance, or advocate for appointment in or to a Department of State position, any individual who is a household member of that employee. An individual shall not be appointed, employed, promoted, or advanced in or to a Department of State position if such appointment, employment, promotion, or advancement has been advocated by an employee who is a member of the individual's household.

b. In many instances, an employee appointed, employed, promoted, or advanced in violation of this subchapter is not entitled to pay, and money may not be paid from the Department of Treasury as pay to an individual so appointed, employed, promoted, or advanced.

3 FAM 8313 AUTHORITY

(TL:PER-425; 10-18-2001)

(State Only)

(Applies to staff assigned/employed abroad)

The following authorities are cited:

- (1) 5 U.S.C. 3110;
- (2) 5 CFR 310;
- (3) U.S.C. 208; and
- (4) 5 CFR 2635.

3 FAM 8314 ROLE OF THE CHIEF OF MISSION

(TL:PER-425; 10-18-2001)

(State Only)

(Applies to staff assigned/employed abroad)

The chief of mission or his designee shall annually review the circumstances of employment of each household member to ensure compliance with these regulations. When it appears that nepotism or the appearance of nepotism exists, it is incumbent upon the chief of mission to cause immediate corrective action to be taken and to ensure that the situation is immediately reported to the Director General of the Foreign Service and Director of Human Resources.

3 FAM 8315 EMERGENCY WAIVER

(TL:PER-425; 10-18-2001)

(State Only)

(Applies to staff/assigned/employed abroad)

a. In extraordinary cases involving immediate threat to human life or property, chiefs of mission may employ household members without regard to these regulations for a period not to exceed 30 days. Such employment of household members under this subchapter shall be immediately reported to the appropriate bureau and the Office of Overseas Employment (HR/OE) by cable or other expeditious means.

b. Employment under this subchapter may be extended for a period not to exceed a total of 60 days by approval of the Director of HR/OE.

3 FAM 8316 HOUSEHOLD MEMBERS EMPLOYED BY OTHER AGENCIES AND ORGANIZATIONS

(TL:PER-425; 10-18-2001)

(State Only)

(Applies to staff assigned/employed abroad)

The Department of State does not require an anti-nepotism review of proposed or existing employment of household members by other agencies or non-U.S. Government employers except when the employee is assigned to post as an ambassador, chief of mission, deputy chief of mission, principal officer, or deputy principal officer. Post must refer issues regarding employment of household members by an agency other than the Department of State, except as noted above, directly to the relevant agency for a nepotism determination consistent with that agency's regulations. In cases involving household members of the ambassador, chief of mission, deputy chief of mission, principal officers or deputy principal officer, post must refer the matter to HR/OE consistent with 3 FAH-1 H-8314.

3 FAM 8317 PROCEDURES AND GUIDELINES

(TL:PER-425; 10-18-2001)

(State Only)

(Applies to staff assigned/employed abroad)

Procedures and guidelines that implement this subchapter are published in 3 FAH-1 H-8310.

3 FAM 8318 AND 3 FAM 8319 UNASSIGNED